

MINUTES
ZONING BOARD OF APPEALS
April 22, 2021 at 6:00 PM
at t 15 Summer St- City Hall

Members Present roll call: Dennis Ackerman, Wayne Berube, Craig Faria, George Moniz, Scott Rodrigues and Bill Egan.

Meeting opens at 6:05 PM

Case # 3595 Meleniano 22 Oak Ave.
For: A variance from Section 440 Attachment #! Of the Zoning Ordinance for the
existing dwelling to have a 5 foot front setback (instead of 25 feet)

For the Petitioner: Jaisyn Meleniano, 22 Oak Ave., Taunton, Ma.

In favor: None
Opposed: None

Me. Meleniano explains he wishes to remove the existing asphalt ramp that was constructed instead of steps. The ramp is a safety issue in the winter when it gets slippery. He is requesting to remove the ramp and put steps which will be much safer. The ramp is a major liability. Chairman Ackerman read letters from the City Planner,, Conservation Commission, Fire, Eng. B.O.H., into the record. Public Input: No one in favor or opposed.

Motion made and seconded to grant as presented:

Vote; Berube, Faria, Moniz, Rodrigues, Ackerman....Yes
Petition granted

Case # 3600 Citizens Bank 65 Taunton Depot Dr.
A Variance from Section 440-701 of the Zoning Ordinance to allow signage on 3 sides of the existing ATM Kiosk resulting in an additional 51.5 square feet of signage.

Request from applicant to continue because they did not advertise.

Motion made and seconded to grant continuance.

Vote: Berube, Moniz, Faria, Rodrigues, Ackerman. Yes.

Petition continued.

Case # 3602**Santiago****Wale St. 65-395**

For: A Variance from Section 440-att 3 and 440-602 of the Zoning Ordinance to allow a buildable lot with 8,089 sf of lot area instead of the required 15,000 sf, 8,089 sf of min dry area, 59.85 ft of frontage and lot width instead of the required 100 feet instead and 11,250 sq. ft. dry area

For the Petitioner: Atty. Sean Murphy, 180 Belmont St., Brockton, Ma.
John Stagnor, 6 Westview Dr., Stoughton, Ma

In favor: None

Opposed: Mary Ellen Washburn, 84 Wales St., Taunton, Ma.

Atty. Murphy states prior to zoning these lots were always 2 separate lots Lot 1 and Lot 2 were maintained in separate deeds until they transferred in 2014 and they have always been taxed separately. Parcel 2 had a single family on it and has since been demolished. Each have their own water and sewer connections. They need a variance to make the lot buildable. Chairman Ackerman asked if it would be just a single family only and it was answered yes. Chairman Ackerman read letters from the City Planner, Conservation Commission, Fire, Eng. B.O.H into the record. Wayne asked the side setback is only 16 feet. This was denied and now you are coming back and the new evidence is that it's a single family instead of a duplex. The Board had issues with the density and denied it. It was asked if petitioner would be living there and it was answered no. Atty. Murphy stated they had put a significant amount of money into the property. Wayne asked about the driveway. It was brought to the Board's attention they reduced the size of the house from 28 x 60 to 28 x 36. The new design now meets setbacks. George stated all the lots in the area are small. It was asked how big the foundation was? 28' x 36' and the proposed deck is 12' x 14'. Wayne asked if there is parking in front on the other homes in the neighborhood? Wayne thinks it's too small. Georg stated they are providing parking. Public Input: No one in favor. Mary Allen Washburn, 84 Wales St. is opposed. The lot is too small and she has lived there since 1983 and she has never seen a foundation on the property. She has seen 3 crab apple trees. Chairman Ackerman asked if the lots in the area are bigger? Ms. Washburn answer she thinks the lots are a little bigger. George asked where does she live and she answers directly across the street. John stated the house is currently being renovated and there is a 3 family on one side and 2 family on other side. He thinks the lots in the neighborhood are similar in size. Bill stated he lives on Wales Street and they are small lots. Chairman Ackerman asked if he thought the lots were bigger and Bill answers smaller. Atty. Murphy pointed out on a neighborhood map showing lots and smaller frontage (rang from 46 to 49 feet of frontage) Wayne asked if granted would it be a single family compatible to the neighborhood? It was answered it would be a colonial style house sideways with farmer's porch, with gable roof. John stated when they brought in excavation they found the foundation. George stated the proposed house is not that big. It was noted the developer has done a lot of work to the house on other lot.

1. Single family home only.
2. Deck shall be no larger than 14 ft. by 12ft.
3. The house shall be no larger than 28ft. by 36 ft for the main living area.
4. A surveyor stamp shall be added to the plan prior to building permit.

Case # 3603 Thomas 336 Winthrop St. 76-108 & 90-8, 90-9, 90-10
For: A Variance from Section 440-att 3 of the Zoning Ordinance to allow a front setback
of 25.7 feet instead of the required 30 feet.

Opposed Virginia McCrohan, 340 Winthrop St. Taunton, Ma.
Jean Coulombe, 341 Winthrop St., Taunton, Ma.

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this site will be a better solution. Atty. Correia pointed out they are on a corner lot therefore they have 2 front setbacks and 2 side setbacks. The variance for the front setback is from Harvard Street not Winthrop St. Bruce stated the existing site today is covered with asphalt and they will adding landscaping. Chairman Ackerman suggested they submit plans showing overlay of old building and new when they go through the SPR process.

Motion made and seconded to Grant with the following conditions:

- .1. Fencing shall be included along the McCrohan property (property I.D. 90-7)
2. Fencing shall be included along Harvard Street, the extent and height shall be determined during the Site plan Review process.
3. All Board of Health requirements shall be met.

Vote: Faria, Rodrigues, Moniz, Moniz, Berube, Ackerman....Yes
Petition granted

Craig Faria excused from meeting.

Case # 3604 Lewis – Ventura Grain Co. Inc. 148 Longmeadow Rd.
For: A Special Permit from Section 440-503 of the Zoning Ordinance to allow the expansion to a pre-existing non-conforming structure by allowing an 82 ft. x 77 ft. addition (totaling 6,314 sq. ft.)

For the Petitioner: Jeff Tallman, Sitec Eng.,Inc., 449 Faunce Corner Rd., Dartmouth,Ma.

Opposed: none

In Favor: Lettter from Janet Bartucca Baglio, 215 Longmeadow Rd., Unit #204, Taunton, Ma

Chairman Ackerman read letters from the City Planner, Engineer, Conservation Commission, Fire Dept. and B. O.H. and letter from Janet Baglio. Jeff states currently there is 2 buildings with a store on the site. They are requesting to expand the back building by adding 6,314 square foot addition to the south end of the building. They will not be going any closer to the lot line than the existing building. The reason they need to expand is because they have outgrown the space and this will provide the ability to store stuff inside. Jeff stated this won't interfere with any abutters because the railroad tracks are in the rear. George asked if he needed to make it bigger if needed and Jeff answers no what they are asking for is enough. They will be putting the addition on the paved area. NO one in favor or opposed.

Motion made and seconded to grant as presented:

Vote: Moniz, Egan, Rodrigues, Berube, Ackerman....Yes
Petition granted

Case # 3605**Delgado****70 Malibu Drive**

Variance from Section 440 Att.# 3 of the Zoning Ordinance to allow a previously approved lot (Case # 3578) to have 8,800 square feet of dry area (instead of the required 43,560 sq. ft.)

For the Petitioner: Scott Faria, P.E. 44 Burt St., Taunton, Ma.
Sam Delgado, 895 Norton Ave., Taunton, Ma.

Opposed: none

In Favor: none

Chairman Ackerman read request for refund of filing fees and letter from the City Planner into the record.

Motion made and seconded to waive the filing fees. All in favor.

Scott F. stated the reason they are here again is because he mistakenly put the wrong dry area on the plans for the last hearing. They have 8,800 sq. ft. and not the previously stated 10,000 square feet. So they need a variance for that. Scott R. asked what the filing fee was and it was answered \$300. Chairman Ackerman stated the City Planner recommends not waiving the filing fee because the application was reviewed and processed. Chairman Ackerman stated the ZBA secretary spent time on it processing it and referring it out to the departments for comments. Scott F. said it's the exact same application just with the correct dry land noted on the plans. Chairman Ackerman read letters from the City Planner, Engineer, Conservation Commission, Fire Dept. And Board of Health, Public Input: no one in favor or opposed.

Motion made and seconded to grant and re-affirm the previous vote with the following condition:

1. New house must be serviced by municipal water & sewer.

Vote: Moniz, Egan, Rodrigues, Berube, Ackerman....Yes
Petition granted

Case # 3606**Ramondettta****Somerset Ave. 92-417**

For: A Variance from Section 440 Att.# 3 of the Zoning Ordinance to allow a previously approved lot (Case # 3578) to have 8,800 square feet of dry area (instead of the required 43,560 sq. ft.)

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.
Jeff Tallman, Sitec Eng. Co. Inc, 449 Faunce Corner Rd., Dartmouth, Ma.

In Favor: None

Opposed: Walter Frederick, 511 Somerset Ave., Taunton, Ma.

Jose Torres, 507 Somerset Ave., Taunton, Ma.
Holly Silva, 493 Somerset Ave. Taunton, Ma.

Atty. Correira stated they are here tonight because the property is 8,067 square feet with 60 feet of frontage. Their intention is to add a single family dwelling to be serviced by water & sewer. Originally it was a separate lot until 1958 and it was held in common ownership with the property owned by Silva. This property was sold by the City and there were 5 bids and it was assured it was a buildable lot. The hardship is the topography with the hill in the rear of the property. The property has been vacant and there is a garage that straddles the property line. They are working with the next door neighbor to possibly re-locate the garage or grant an easement. In the URD you can build a single family or duplex but they are only proposing a single family dwelling. Atty. Correira points out there are 19 lots with 2 families and 11 lots are smaller in size. This small lot will fit well into the established neighborhood. Chairman Ackerman read letters from the City Planner, Eng., Cons. Commission, Fire and B.O.H. into the record. Jeff stated the applicant is currently working with neighbor to resolve the garage encroachment issue. This property went out to public auction and 5-6 people put a bid on it and a lot of these issues were not known at that time. Chairman Ackerman asked if the topography is the hardship and it was answered yes. Jeff stated he thinks the City should have go the variance before putting it out to bid. Wayne stated the lot was auctioned off and asked if there was a description of land or was it raw land? The existing garage next door is an encroachment. George suggests continuing until that is resolved. Chairman Ackerman feels sorry but the property was sold at auction. Jeff stated the client is trying to appease the neighbor with the garage encroachment. Atty. Correira understands the neighbor using his garage and wants to maintain that. Public Input: Jose Torres, 507 Somerset Ave. says it's his garage that is straddling the line. He talked to the applicant a week ago. He stated he has owned it for 16 years and after the garage burned he re-constructed it with the proper permits. He was told by some lady at the auction that he couldn't buy the land back. Chairman Ackerman suggests having the City Engineer go out and confirm survey plan. Mr. Torres stated he saw the engineer out there. Jeff said the plans are based on the deed description. He said the state took some land when the did Somerset Avenue. Wayne asked when the re-built the garage and it was answered in 2016 on the same footprint. Mr. Torres is concerned that he won't be able to use his garage. Scott asked if it was an on-ground survey and it was answered yes. George asked what size is the garage and it was answered 20 ' x 20' on slab. Opposed: Holly Silva, 494 Somerset Avenue stated she has been there for 30 years and it has always been one lot and she suggested giving it back to Mr. Torres. Chairman Ackerman stated if was sold and we cannot make the applicant sell it back. She states it's unfortunate because it's always appeared to be one lot. Opposed: Walter Frederick, 511 Somerset Ave. stated he co-owns house next door and closed on it about 2 12 years ago and they never knew it was 2 lots. Chairman Ackerman stated it's a legal issue and suggests letting them work it out maybe they can give an easement to use driveway with garage. Atty. Correira stated they are only proposing a single family on the lot whih is compatible with the neighborhood.

Motion made and seconded to grant with the following conditions:

- 1. Single family only.**
- 2. Surveyor Stamp on plan is required**
- 3. Compliance with all required setbacks.**

Vote: Moniz, Egan, Rodrigues, Berube, Ackerman....Yes
Petition granted

Case # 3607

Mozzone

Stanley Ave., 54-350

For: A Variance from Section 440-602 & 440 attachment #3 of the Zoning Ordinance to allow the construction of a single family dwelling on a lot having 8,067 sq. ft. of lot area & dry area (instead of 15,000 sq. ft. lot area & 11,250 sq. ft. dry area) with 58 feet of lot width & 60 feet of frontage (instead of 100 feet)

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.
Jeff Tallman, Sitec Eng. Co.449 Faunce Corner Rd., Dartmouth, Ma.

In Favor: None

Opposed: Walter Frederick, 511 Somerset Ave., Taunton, Ma.
Jose Torres, 507 Somerset Ave., Taunton, Ma.
Holly Silva, 493 Somerset Ave., Taunton, Ma.

Atty. Correia stated they are here tonight because the property is 8,067 square feet with 60 feet of frontage. Their intention is to add a single family dwelling to be serviced by water & sewer. Originally it was a separate lot until 1958 and it was held in common ownership with property owned by Silva. This property was sold by the City and there were 5 bids and it was assumed it was a buildable lot. The hardship is the topography with the hill in the rear of the property. The property has been vacant and there is a garage that straddles the property line. They are working with the next door neighbor to possibly re-locate the garage or grant an easement. In the URD you can build a single or duplex but they are only proposing a single family dwelling. Atty. Correia points out there are 19 lots with 2 families and 11 lots are small in size. The small lot will fit well in the established neighborhood. Chairman Ackerman read letters from the City Planner, Eng. Conservation Commission, Fire and B.O.H. into the record. Jeff stated the applicant is currently working with neighbor to resolve the garage encroachment issue. This property went out public auction and 5-6 people put bid on it and a lot of these issues were not known at that time. Chairman Ackerman asked if the topography is the hardship and it was answered yes. Jeff stated he thinks the City should got the variance before putting it out to bid. Wayne stated the lot was auctioned off and asked if there was a description of land or was it raw land? The existing garage next door is an encroachment. George suggests continuing until it's resolved. Chairman Ackerman feels sorry but the property was sold at auction. Jeff stated the client is trying to appease the neighbor with the garage encroachment. Atty. Correia understands the neighbor uses the garage. Public Input: Jose Torres, 507 Somerset Ave. says it's his garage that is straddling the line. He talked to applicant a week ago. He stated he has owned it for 16

years and after the garage burned he re-constructed in with the property permits. He was told by some lady at the auction that he couldn't buy the property back. Chairman Ackerman suggests having the City Engineer go out and confirm survey plan. Mr. Torres stated he saw the engineer out there. Jeff said the plans were based on the deed description. The state took some land. Wayne asked when he re-built the garage and it was answered in 2016 on the same footprint. Mr. Torres is concerned that he won't be able to use his garage. Scott asked if it was an on-ground survey and it was answered yes. George asked garage size and it was answered 20 x 20 garage on slab. Opposed: Holly Silva, 493 Somerset Ave. stated she has been there 30 years and it has always been one lot and she suggested giving it back to Mr. Torres. Chairman Ackerman stated it was sold and we cannot make the applicant sell it back. She states that's unfortunate because it always appears to be one lot. Opposed: Walter Frederick, 511 Somerset Ave. stated he co-owns house next door and closed about 2 ½ years ago and they never knew it was 2 lots. Chairman Ackerman stated it's a legal issue and suggests letting them work it out maybe they can give an easement to use driveway with garage. Atty. Correia stated they are only proposing a single family on the lot which is compatible with the neighborhood.

Motion made and seconded to grant with the following conditions:

- 1. Single family only.**
- 2. Surveyor Stamp on plan is required**
- 3. Compliance with all required setbacks.**

Vote: Moniz, Egan, Rodrigues, Berube, Ackerman....Yes
Petition granted

Case # 3608

Costa

76 Weir St.

For: A Special Permit from Section 440-503-D of the Zoning Ordinance for the extension of a pre-existing non-conforming structure by the addition of a 31.6' x 51.5' pergola and a Variance from Section 440 attachment #3 resulting in 97% of total lot coverage (instead of the maximum 90%)

For the Petitioner: John DeSousa, North County Group, 4 Court St., Taunton, Ma.

In Favor: None

Opposed: None

John stated he is here tonight because the petitioner built a pergola in the back portion of the lot and now needs zoning relief. Unfortunately they built the pergola over the line a few feet but they are in the process of getting easement. The building is a pre-existing non-conforming building. They will file a Notice of Intent after the fact with the Conservation Commission. The impervious area is already so it should be fairly easy. No one in favor or opposed. Chairman Ackerman read comments from the City Planner, Eng. Conservation Commission,, Fire and B.O.H. in the record.

Motion made and seconded to grant with the following condition:

- 1. An exclusive use easement for the encroachment being recorded and a copy file with the Zoning Board of Appeals prior to building permit.**

**Vote: Moniz, Egan, Rodrigues, Berube, Ackerman....Yes
Petition granted**

Meeting adjourned at 8:11 PM